

## REMARKS

Reconsideration of this application in light of the present amendment is respectfully requested.

Claims 7-8 and 15-17 were previously canceled.

Claims 3, 5-6, 11 and 13-14 have been canceled, without prejudice

Claims 1, 4, 9, 10 and 12 have been amended.

Claims 1, 2, 4, 9, 10 and 12 are pending in this application.

### Formal Matters

Claims 5-6 and 13-14 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claims 5-6 and 13-14 have been canceled thereby rendering this rejection moot.

### Substantive Matters

#### **§102 Rejection**

Claims 1 and 9 have been rejected under 35 U.S.C. §102(b) as being anticipated by Abbadessa (U.S. Pat. 6,192,244). This rejection is respectfully traversed.

Independent claims 1 and 9 have been amended to reflect that a different neighbor list is sent to a different mobile unit for each call to/from the base station. Support for this can be found in the text on page 8 lines 5-9 and page 10 line 11. In addition, claims 1 and 9 have been amended to incorporate claims 3, 5, 6 and 11, 13, 14, respectively.

Applicant respectfully submits that amended claims 1 and 9 involve a novel aspect of changing the different frequencies for the different neighbor lists on a per call basis. Advantageously, applicant's invention provides a way to shorten the time to test all available frequencies for interference (see page 10 lines 13-23). As a result, the testing frequencies can then be rotated to cover all available test frequencies in a shorter time than in the prior art. Indeed the transmission of different tests frequencies to different mobile units can overlap in time (see page 8 lines 16-18, and claims 2 and 10) unlike the prior art.

In addition, the cited art could not have envisioned the further element of the use of different test frequencies to define each different list while keeping the actively configured operating frequencies the same in each list, i.e. the difference in the neighbor lists comprise the changing of only different test frequencies. Support for this can be found in the text on page 6

lines 18-19, page 9 lines 23-25, and Fig. 2. In this way, the actively configure list frequencies can be kept the same, preventing interruption of service during handover. The testing frequencies can then be rotated to cover all available test frequencies in a shorter time than in the prior art.

Abbadessa describes the same SACCH neighbor list that is transmitted to all mobile stations in a given cell, where the neighbor list is used by a mobile station to provide measurement reports to a base station (see col. 7 lines 52-53). Abbadessa does not describe different neighbor lists having different frequencies to test. Moreover, these different frequencies are not changed per call, as recited in claims 1 and 9. Inasmuch as Abbadessa does not suggest or disclose the changing of test frequencies on a per call basis, Abbadessa could not have further envisioned that such changing of test frequencies could overlap in time (claims 2 and 10). In addition, Abbadessa is also missing the feature of repeating the neighbor lists on a cyclical basis, and that the repeating is performed on a cyclical basis comprising repeated calls. Therefore, applicant respectfully submits that Abbadessa is missing at least the elements of; a) changing frequencies in a neighbor list on a per call basis, b) repeating the neighbor lists on a cyclical basis, and c) repeating the neighbor lists on a cyclical basis comprising repeated calls.

Accordingly, the cited art does not provide a solution for shortening the time to test all available frequencies for interference, as provided in applicant's invention.

The dependent claims have been amended to properly follow from their respective independent claims.

Moreover, claims 2, 4 are dependent upon amended claim 1, incorporated by reference, and are therefore deemed allowable as well in view of that dependency. Similarly, claims 10, 12 are dependent upon amended claim 9, incorporated by reference, and are therefore deemed allowable as well in view of that dependency.

Accordingly, applicant respectfully requests that this rejection be withdrawn.

### **§103 Rejection**

Claims 2 and 10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Abbadessa in view of Silventoinen (U.S. Pat. 6,442,387) and further in view of Barany (U.S. Pat. 6,944,146). This rejection is respectfully traversed.

Abbadessa has been distinguished over previously. Applicant's distinguishing remarks providing the benefits of applicant's invention and disadvantages of Abbadessa, to the extent applicable, are hereby incorporated by reference.

Silventoinen describes the use of a neighbor list by a mobile station to provide measurement reports to a base station. Different neighbor lists have different frequencies to test.

However, these different frequencies are not changed per call. Instead, Silventoinen only discloses that the different frequencies may be changed in the normal course of events or when there is a change in status of the mobile, such as when it is moving (col. 3 lines 23-28). Silventoinen does not suggest or disclose changing these different frequencies on a per call basis, as recited in claims 1 and 9. Inasmuch as Silventoinen does not suggest or disclose the changing of test frequencies on a per call basis, Silventoinen could not have further envisioned that that such changing of test frequencies could overlap in time (claims 2 and 10). In addition, Silventoinen is also missing the feature of repeating the neighbor lists on a cyclical basis. Applicant wishes to expand on this, in that the repeating step is performed on a cyclical basis comprising repeated calls. Therefore, applicant respectfully submits that Silventoinen is missing these two elements of this feature. As a result, Silventoinen is still missing at least the elements in Abbadessa of: a) changing frequencies in a neighbor list on a per call basis, b) repeating the neighbor lists on a cyclical basis, and c) repeating the neighbor lists on a cyclical basis comprising repeated calls.

Moreover, claims 2 and 10 are dependent on claims 1 and 9, respectively, and the above comments with respect to these independent claims are hereby incorporated by reference. Therefore, claims 2 and 10 are deemed allowable as well for the same reasons.

Accordingly, applicant respectfully requests that this rejection be withdrawn.

### **§103 Rejection**

Claims 5-6 and 13-14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Abbadessa in view admitted prior art.

Claims 5-6 and 13-14 have been canceled thereby rendering this rejection moot.

The other references of record have been reviewed and applicant's invention is deemed patentably distinct and nonobvious over each taken alone or in combination.

For the foregoing reasons, applicants respectfully request that the above rejections be withdrawn.

Inasmuch as this amendment distinguishes all of the applicants' claims over the prior art references, for the many reasons indicated above, passing of this case is now believed to be in order. A Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any

claim, unless applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Authorization is hereby given to charge any fees necessitated by actions taken herein to Deposit Account 50-2117.

Respectfully submitted,  
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